

5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 TACOMA DIVISION

8 SHELLY L. EBERWEIN,)
9 Plaintiff,) CIVIL NO. 3:18-cv-05089-RAJ-JRC
10 vs.) ~~PROPOSED~~ ORDER
11 COMMISSIONER OF SOCIAL SECURITY,)
12 Defendant)

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14 This matter comes before the Court on the parties' stipulated motion for attorney's fees
15 pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412

16 The motion is timely as Plaintiff had a 60-day appeal period, plus the 30-day period in
17 §2412(d)(1)(B), from the entry of final judgment on December 21, 2018, to file a timely EAJA
18 application. *Akopyan v. Barnhart*, 296 F.3d 852 (9th Cir. 2002); *Melkonyan v. Sullivan*, 501 U.S.
19 89, 94-96 (1991); FED. R. App. P. 4(a). Furthermore, upon review of the stipulation and the record,
20 the Court determines that Plaintiff is the prevailing party, the government's position was not
21 substantially justified, and that the itemization of attorney time spent is reasonable. In short, the
22 requirements of § 2412(d)(1)(B) are met.

23 Having thoroughly considered the parties' briefing and the relevant record, the Court hereby
24 GRANTS the motion and awards Plaintiff \$5,040.00 in attorney's fees, subject to any offset
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1 allowed under the Treasury Offset Program. *See. Astrue v. Ratiff*, 560 U.S. 586, 589 – 590 (2010).
2 Whether or not the EAJA fees and expenses are subject to any offset, payment of this award shall
3 be made via check sent to Attorney David Oliver’s address: David Oliver & Associates, 2608
4 South 47th Street, Suite C, Tacoma, WA 98409.

5 For the foregoing reasons, Plaintiff’s stipulated motion for attorney fees is GRANTED;
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7 DATED this 11th day of March, 2019.
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11 The Honorable Richard A. Jones
12 United States District Judge
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